### BOARD OF SUPERVISORS COUNTY OF STAFFORD STAFFORD, VIRGINIA

#### **MINUTES**

### Regular Meeting May 1, 2007

<u>Call to Order.</u> A regular meeting of the Stafford County Board of Supervisors was called to order by Jack R. Cavalier, Chairman, at 1:05 P. M., Tuesday, May 1, 2007, in the Board Chambers, Stafford County Administration Center.

Roll Call. The following members were present: Paul V. Milde, III, George H. Schwartz; M. S. "Joe" Brito; Jack R. Cavalier, Chairman; Mark Dudenhefer, Vice Chairman; Peter J. Fields and Robert C. Gibbons.

Also in attendance were: Steve Crosby, County Administrator; Joe Howard, County Attorney; and Marty Beard, Chief Deputy Clerk.

<u>Presentations by the Public.</u> The following persons spoke on topics as identified:

Dean Fetterolf - Budget.

Lou Silver - Taxes.

- Business, Professional, Occupation License Tax.

- Registration tax for County businesses.

- Proffers.

Christine Wedding - Taxes.

- Business, Professional, Occupational License Tax.

<u>Legislative</u>; Report of the Superintendent of Schools. Dr. David E. Sawyer, Division Superintendent of Schools, gave a presentation on current school issues and responded to Board members questions.

<u>Presentations and Committee Reports by Board Members.</u> Board members spoke on topics as identified:

Mr. Milde

- Potomac Rappahannock Transportation Commission meeting.
- Base Realignment and Closure meeting.
- Attended leadership conference.
- Meeting with Aquia Town Centre tenants.
- Potomac Watershed Roundtable meeting.
- Rowser Building Dedication.
- Comprehensive Plan Steering Committee meeting.
- Virginia Railway Express.
- Virginia Association of Counties 7<sup>th</sup> District Regional Courthouse meeting simulcast to Germanna
   Community College in Culpeper and Fredericksburg.
- Brooke Point High School Craft Fair for Volunteer Fire Company No. 2.
- Expansion of Virginia Railway Express Parking Spaces.
- Technical Review Committee meeting.
- Eminent Domain proceedings on Crow's Nest.
- Bowling conference.
- Marine Corps Heritage Foundation Annual Awards Dinner.
- Zachary Noble Legion of Merit.
- Airplane Tax.

### Mr. Schwartz

- Expansion of location of Rappahannock Area Agency on Aging.
- Attended Sheriff's Awards Ceremony.
- Attended Drew Middle School PTA pancake breakfast.
- Stafford County license plate.
- Removed item 7b from Consent Agenda.

#### Mr. Brito

- Crucible Case.
- Employee Benefits Committee Meetings.
- Cardinal Forest Homeowners Association meeting.
- Sheriff's Annual Award Ceremony.
- External Audit Committee Meetings.
- Radio communications meeting.
- School Channel 9 event.
- Watershed model presentation.

### Mr. Dudenhefer

- Base Realignment and Closure meeting.
- "Marines of Long Ago" group visiting region.
- Attended Regional Virginia Association of Counties meeting on transportation.
- Dominion Virginia power transmission lines.
- Requested staff review traffic calming measures.

### Mr. Fields

- Coalition of High Growth Committee.
- Announced that will not seek reelection.

### Mr. Gibbons

- Commented on Mr. Field's decision.
- Truck traffic on Mt. View and Winding Creek roads.
- Proposed traffic light at Vulcan Quarry.

Mr. Dudenhefer

continued - Commented on installation of traffic lights at North

Stafford High School and Joyce Street and the redesign

of Eustace Road and North Hampton Boulevard.

Mr. Gibbons

continued - Congestion mitigation plan for flow of traffic on

Interstate due to truck traffic.

- Virginia Railway Express budget.

- Expressed concerns about the number of engineering

graduates from Virginia's public universities and

colleges.

Mr. Cavalier - Commend on Mr. Field's decision.

- Dedication of Rowser Building.

- Fredericksburg/Stafford Park Authority.

- Aquia Harbour Homeowners Association meeting.

- Eagle Scout Award.

- Aquia Towne Center redevelopment.

- Youth Task Force driver's education classes.

- Dedication of Dixon-Smith Middle School.

Mr. Milde

continued - Removed item 4b from Consent Agenda.

- Land Use Seminar.

Mr. Brito

continued - Removed items 1c and 6 from Consent Agenda.

<u>Report of the County Attorney.</u> Mr. Joseph L. Howard, County Attorney, commented on the following:

Closed Meeting addition.

<u>Report of the County Administrator.</u> Mr. Steve Crosby, County Administrator, commented on the following:

- Virginia Department of Transportation public hearings to be held on six-year improvement plan for primary and interstate highways.
- Business Appreciation Luncheon on May 17, 2007.
- Transportation Forum at Belmont on June 1, 2007, at 9:00 a.m.

<u>Legislative</u>; <u>Consent Agenda.</u> Mr. Gibbons motioned, seconded by Mr. Fields, to adopt the Consent Agenda consisting of Items 1 thru 7 minus item 1c, 4b, 6, and 7b.

The Voting Board tally was:

Yea: (7) Brito, Cavalier, Dudenhefer, Fields, Gibbons, Milde, Schwartz

Nay: (0)

<u>Item 1. Legislative; Approve Minutes of Board Meetings.</u> Adjourned Meeting of March 27, 2007; and Regular Meeting of April 3, 2007.

Item 2. Legislative; Approve Proclamations.

### Proclamation P07-13 reads as follows:

A PROCLAMATION TO RECOGNIZE AND COMMEND STEVE DEMPSEY FOR 40 YEARS OF SERVICE AS A VOLUNTEER WITH THE STAFFORD FIRE AND RESCUE COMMUNITY WHEREAS, Steve Dempsey began his service with the County in 1967 as a member of the Hartwood Volunteer Firemen's Association, Inc.; and

WHEREAS, Steve Dempsey served as President of the Falmouth Volunteer Fire Department, Chief and Deputy Chief of the Hartwood Volunteer Firemen's Association, Inc., Chair of both the Fire and EMS Association and Fire and Rescue Commission, and as a Fire and EMS Commissioner; and

WHEREAS, Steve Dempsey also held the positions of Chief Fire Officer, Chief Administrative Officer and Fire Commissioner during his tenure with the volunteer organizations, and was elected President of the Falmouth Fire Department when that group included volunteers from Brooke, Mountain View, White Oak and Hartwood; and

WHEREAS, Steve Dempsey is a Life Member of the Hartwood Volunteer Firemen's Association, Inc., and Falmouth Volunteer Firemen's Association; and

WHEREAS, Steve Dempsey maintained a no-nonsense approach and "get it done" attitude throughout his career, acting as a mentor and trainer to hundreds of volunteers, and providing invaluable friendship and advice; and

WHEREAS, Steve Dempsey offered his considerable expertise when the County's Capital Improvement Plan was being drafted, and was a strong supporter of increasing the number of ambulances to meet the needs of the community during a time of unprecedented growth; and

WHEREAS, Steve Dempsey is an active member of the Richland Baptist Church; a dedicated husband to his wife, Barbara, and loving father and grandfather; and is admired far and wide for his unique and creative woodworking skills; and

WHEREAS, the Board desires to call to the attention of citizens everywhere Steve Dempsey's selfless dedication to the safety and welfare of the citizens of Stafford and the region;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 1st day of May, 2007, that Steve Dempsey be and he hereby is commended for his exceptional service to Stafford County.

### Proclamation P07-14 reads as follows:

A PROCLAMATION TO DESIGNATE THE WEEK OF MAY 19 – MAY 25, 2007 AS SAFE BOATING WEEK IN STAFFORD

WHEREAS, Stafford boasts beautiful and abundant lakes, rivers and streams that offer boaters, skiers, fishermen and swimmers a wealth of recreational opportunities; and

WHEREAS, tragically, more than 700 people die nationwide each year in boating accidents attributed to a failure to wear life jackets, poorly maintained watercraft and onboard equipment, and the consumption of alcoholic beverages; and

WHEREAS, the National Safe Boating Council has declared the week of May 19 – 25, 2007, as National Safe Boating Week; and

WHEREAS, events during National Safe Boating Week will highlight the four principles of safe boating which are "wearing life jackets saves lives, boater education saves lives, safe boats save lives, and sober boating saves lives"; and

WHEREAS, the National Safe Boating Council urges water enthusiasts to take advantage of boating safety courses sponsored by local Coast Guard Auxiliaries and United States Power Squadrons, maintain the correct number and size of personal

flotation devices on board watercrafts, keep charts and maps current, and maintain the proper emergency communications equipment on vessels; and

WHEREAS, the Board urges Stafford residents to keep safety in mind as they enjoy water recreation opportunities throughout the summer, and to remember the National Safe Boating Week campaign slogan, which is "Boat Smart. Boat Safe. Wear It!";

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 1st day of May, 2007, that the week of May 19 - 25, 2007, be and it hereby is designated as Safe Boating Week in Stafford.

<u>Item 3. Finance; Approve Expenditure Listing.</u>

### Resolution R07-173 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL) DATED APRIL 17, 2007 THROUGH APRIL 30, 2007

WHEREAS, the Board has appropriated funds to be expended for the purchase of goods and services in accordance with an approved budget; and

WHEREAS, the payments appearing on the above-referenced Listing of Expenditures represent payment of \$100,000 and greater for the purchase of goods and/or services which are within the appropriated amounts;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st day of May 2007, that the above-mentioned EL be and it hereby is approved.

<u>Item 4a. Administration; Authorize a Public Hearing to Amend the County Code</u>

<u>Regarding "Courthouse Security Fee":</u>

### Resolution R07-177 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO AMEND AND REORDAIN SECTION 1-12.2, ENTITLED "COURTHOUSE SECURITY FEE", OF THE STAFFORD COUNTY CODE

WHEREAS, the General Assembly, in its 2007 Session, amended Section 53.1-120 of the Virginia State Code to increase the fees that can be assessed in each criminal or traffic case to fund courthouse security personnel; and

WHEREAS, the Board desires to amend and reenact County Code Section 1-12.2, entitled Courthouse Security Fee, to increase the courthouse security fee from \$5.00 to \$10.00; and

WHEREAS, the Board desires to consider public comments concerning the proposed changes;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st day of May, 2007, that the County Administrator be and he hereby is authorized to advertise a public hearing for May 15, 2007 to allow for presentation and public comment for the purpose of increasing the courthouse security fees.

Item 5. Utilities; Authorize Payment of Outside Legal Fees for the Rocky Pen Run Reservoir Project.

### Resolution R07-184 reads as follows:

A RESOLUTION TO AUTHORIZE THE PAYMENT OF OUTSIDE LEGAL FEES AND COSTS REGARDING CONDEMNATION AND

PROPERTY ACQUISITION AT ROCKY PEN RUN RESERVOIR

WHEREAS, because of the complex nature of the legal matter stated above, the

Board has found it necessary to employ outside legal counsel to represent and protect the

interests of the County; and

WHEREAS, the estimated cost of such representation in these matters for the

remainder of FY2007 is expected to be \$50,000; and

WHEREAS, these funds were budgeted and appropriated for the project by the

Board for FY2007; and

WHEREAS, the continued employment of outside legal counsel is imperative to

protect and represent the interests of the County in the above-stated matters;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of

Supervisors on this the 1st day of May, 2007, that the County Attorney be and he hereby

is authorized to extend the Letter of Agreement contract to pay legal fees in the amount

of \$50,000 to Walton and Adams, P.C. for the Rocky Pen Run Reservoir project.

<u>Item 7a.</u> <u>Legislative</u>; <u>Appoint Members to the Beautification Committee.</u>

Resolution R07-179 reads as follows:

A RESOLUTION TO APPOINT A MEMBER TO THE STAFFORD

COUNTY BEAUTIFICATION COMMITTEE

WHEREAS, Resolution R06-489 changed the membership of the Beautification Committee; and

WHEREAS, Resolution R06-489 authorized 12 members to be appointed to the Beautification Committee, one to represent Stafford County Public Schools/Community Involvement, Master Gardener, Sheriff's Office, Extension Office, County Government, and one representative from each of the County's seven election districts; and

WHEREAS, the Board has previously appointed the following:

<u>NAME</u>	<b>EXPIRATION</b>
Shari Kern (Aquia District)	December 31, 2007
Janie Cindric (Falmouth District)	December 31, 2007
Laura Collingsworth (Garrisonville)	December 31, 2007
Laurie Posner (George Washington District)	December 31, 2006
Denise Baer (Griffis-Widewater District)	December 31, 2007
Patrice Promack (Hartwood District)	December 31, 2007
VACANT	December 31, 2006

(Rock Hill District)

Julie May December 31, 2007

(County Government)

Ian Treggett December 31, 2007

(Extension Office)

Deputy Craig Cain December 31, 2007

(Sheriff's Office)

Cynthia Lucero-Chavez December 31, 2007

(Stafford County Public Schools/

**Community Involvement)** 

Linda Dunn December 31, 2007

(Master Gardener)

WHEREAS, a vacancy exists in the Rock Hill district; and

WHEREAS, the term of membership is one year;

WHEREAS, the Board desires to fill this vacancy;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st day of May, 2007, that

<u>NAME</u> <u>EXPIRATION</u>

Stan Zack December 31, 2007

(Rock Hill District)

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be and he hereby is appointed to the Beautification Committee.

Legislative; Approve Minutes of Board Meetings. Mr. Brito commented on a change to

the minutes of the Regular Meeting of April 17, 2007, page 18, to read:

Mr. Brito made a motion, seconded by Mr. Fields, to increase the Virginia Railway

Express fare's by \$10.00 a week and to subtract the additional revenue of the fare

increase, approximately \$680,680 from the proposed subsidy of \$2,429,736. The new

subsidy amount for FY08 would be \$1,750,000.

Mr. Brito motioned, seconded by Mr. Fields, to approved the minutes of the April 17,

2007 Regular Board Meeting as corrected.

The Voting Board tally was:

Yea: (7)

Cavalier, Dudenhefer, Fields, Gibbons, Milde, Schwartz, Brito

Nay: (0)

Utilities; Amend and Reordain Chapter 25 of the Stafford County Code Entitled "Water,

Sewers and Sewage Disposal" by Adding Division III, Entitled "Outdoor Water Use".

Mr. Milde commented.

Mr. Robert E. Bos, Director of Utilities, commented further.

Mr. Milde motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution

R07-176.

Discussion ensued.

The Voting Board tally was:

Yea: (7) Dudenhefer, Fields, Gibbons, Milde, Schwartz, Brito, Cavalier

Nay: (0)

### Resolution R07-176 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO ADVERTISE A PUBLIC HEARING TO AMEND AND REORDAIN
CHAPTER 25, ARTICLE II, OF THE STAFFORD COUNTY CODE
ENTITLED "WATER, SEWERS AND SEWAGE DISPOSAL" BY ADDING
DIVISION III, ENTITLED "OUTDOOR WATER USE"

WHEREAS, water is a natural resource in limited supply; and

WHEREAS, the Board desires that the resources of the County be managed responsibly; and

WHEREAS, the Board desires to hear public comments on this issue;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st day of May, 2007, that the County Administrator be and he hereby is authorized to advertise for a public hearing on June 5, 2007, for the purpose of amending and reordaining Chapter 25 of the Stafford County Code entitled "Water, Sewers and Sewage Disposal" by adding Division III, entitled "Outdoor Water Use."

Parks and Recreation; Award Contract for Construction of Patawomeck Park – Phase I; Identify Funds; Approve Payment to Dominion Virginia Power for Line Relocation and Authorize a Public Hearing to Budget and Appropriate Funds. Mr. Brito commented.

Mr. Brito motioned, seconded by Mr. Fields, to adopt proposed Resolution R07-194.

Discussion ensued.

The Voting Board tally was:

Yea: (7) Fields, Gibbons, Milde, Schwartz, Brito, Cavalier, Dudenhefer

Nay: (0)

Resolution R07-194 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR

TO ADVERTISE A PUBLIC HEARING TO BUDGET AND APPROPRIATE

FUNDS FOR CONSTRUCTION OF THE PATAWOMECK PARK – PHASE I

WHEREAS, the construction of Phase I of this public park has been offered for public bids; and

WHEREAS, three bids were received, with S.W. Rodgers Company, Inc., offering the lowest responsive bid of \$4,647,145; and

WHEREAS, the funding required for the relocation of the existing power lines for construction of Phase I of this Park totals \$172,721.60; and

WHEREAS, the Park Bond fund account balance is currently \$1,972,722; and

WHEREAS, additional funds in the amount of \$2,847,145 from other County funds need to be appropriated to the Bond Fund account for this project;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st day of May, 2007, that the County Administrator be and he hereby is authorized to advertise a public hearing to budget and appropriate funds.

<u>Legislative</u>; Appoint Members to the Rappahannock Economic Development Corporation. Mr. Schwartz commented.

Mr. Schwartz motioned, seconded by Mr. Fields, to defer proposed Resolution R07-180 for one month.

Discussion ensued.

The Voting Board tally was:

Yea: (7) Gibbons, Milde, Schwartz, Brito, Cavalier, Dudenhefer, Fields

Nay: (0)

<u>Legislative</u>; Execute a Contract to Select the External Auditor. Mr. Gibbons motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R07-187.

Discussion ensued.

The Voting Board tally was:

Yea: (7) Milde, Schwartz, Brito, Cavalier, Dudenhefer, Fields, Gibbons

Nay: (0)

### Resolution R07-187 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO AWARD A CONTRACT TO CLIFTON GUNDERSON, LLP, TO PROVIDE PROFESSIONAL AUDIT SERVICES

WHEREAS, Section 15.1-167 of the Code of Virginia (1950), as amended, requires the County to have an annual audit of financial statements by an approved independent Certified Public Accountant; and

WHEREAS, proposals were received on April 3, 2007, for providing these services resulting in Clifton Gunderson, LLP as the firm whose professional

qualifications and services were deemed most responsive by the Proposal Review Committee; and

WHEREAS, Clifton Gunderson, LLP is in agreement with the terms and conditions of the audit specifications at a first year cost for FY 2007 of \$87,750; and

WHEREAS, audit services for future years shall be negotiated independently;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st day of May 2007, that the contract for the audit of financial statements for the County of Stafford and the R-Board for Fiscal Year 2007 be and it hereby is awarded to Clifton Gunderson, LLP in an amount not to exceed Eighty-seven Thousand Seven Hundred Fifty Dollars (\$ 87,750); and

BE IT FURTHER RESOLVED that this contract may be renewed for four (4) additional years with approval of both parties and at a price to be negotiated prior to renewal; and

BE IT STILL FURTHER RESOLVED that the County Administrator be and he hereby is authorized and requested to award a contract to secure the activities outlined in the Scope of Services.

Legislative; Discuss Changes to Board Meeting Dates. Mr. Cavalier commented.

Mr. Gibbons motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R07-185.

The Voting Board tally was:

Yea: (7) Schwartz, Brito, Cavalier, Dudenhefer, Fields, Gibbons, Milde

Nay: (0)

### Resolution R07-185 reads as follows:

### A RESOLUTION TO CHANGE THE BOARD OF SUPERVISORS MEETING DATES

WHEREAS, it is the desire of the Board to schedule meeting dates which will permit attendance at annual meetings of professional associations, accommodate personal schedules and allow adequate time for preparation of meeting materials;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st day of May, 2007 that the regularly scheduled meetings on July 3rd and August 7th be and they hereby are cancelled; and

BE IT FURTHER RESOLVED that the County Administrator be and he hereby is requested to advise Board members should the Regular Agenda become ponderous with issues so an adjourned or Special Meeting may be arranged.

<u>Budget; Consider Proposed FY2008 County Budgets and Health Insurance</u>

<u>Recommendations.</u> Mr. Anthony Romanello, Deputy County Administrator, gave a presentation and responded to Board members questions.

Mr. Gibbons motioned, seconded by Mr. Cavalier, to adopt proposed Resolution R07-193.

Discussion ensued.

The Voting Board tally was:

Yea: (5) Brito, Cavalier, Fields, Gibbons, Milde

Nay: (2) Dudenhefer, Milde

### Resolution R07-193 reads as follows:

### A RESOLUTION TO AMEND THE POLICIES AND PROCEDURES REGARDING EMPLOYEE HEALTH CARE BENEFITS

WHEREAS, it is the desire of the Board to provide a competitive, but affordable total compensation package for its workforce; and

WHEREAS, at the direction of the Board, staff and a Health Care Strategic Plan Committee reviewed the County's health care benefits with the assistance of Wachovia Employer Solutions, Inc and made a recommendation to the Board; and

WHEREAS, a Board Committee was established to meet with the Health Care Strategic Plan Committee to review the recommendations; and

WHEREAS, a recommendation for changes to the health care benefits was made by the Board Committee;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st day of May, 2007, that the County Administrator be and he hereby is authorized to amend the appropriate policies and procedures to reflect the health care benefit changes as recommended by the Board Committee as follows;

### **Health Insurance:**

- □ No change to health insurance plan offered.
- □ Implement \$100 monthly opt out credit effective July 1, 2007.
- □ Eliminate proposed \$400 salary increase effective January 1, 2008.

Effective January 1, 2008, implement premiums for employees hired prior to July 1, 2007 as shown below:

Employees hired prior to	Employee Cost:	Employee Cost:
July 1, 2007	Employee Only	Dependent Coverage
	Coverage	% Above Employee Only Cost
FY 2008		5%
FY 2009	0%	10%
FY 2010	U70	15%
FY 2011 and beyond		20%

## Effective July 1, 2007, implement premiums for employees hired July 1, 2007 or after as follows:

Employees Hired on or	Employee Cost:	Employee Cost:
after July 1, 2007	Employee Only	Dependent Coverage
	Coverage	% Above Employee Only Cost
< 5 Years with Stafford	10%	20%
> 5 Years with Stafford	0%	2070

Budget; Authorize a Public Hearing which Amends and Reordains Chapter 23 of the County Code Entitled "Taxation" by Adding a New Article Entitl4ed "Fire and Emergency Services Tax District"; Amend and Reordain Sections 23-33 and 23-57 and Establish a Tax Rate.

Hearing no objections from the Board, this item was deferred to the next budget work session.

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<u>Legislative</u>; Closed Meeting. At 3:38 P.M., Mr. Gibbons motioned, seconded by Mr.

Fields, to adopt proposed Resolution CM07-12.

The Voting Board tally was:

Yea: (7) Cavalier, Dudenhefer, Fields, Gibbons, Milde, Schwartz, Brito

Nay: (0)

Resolution CM07-12 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board of County Supervisors desires to consult with counsel and

discuss in Closed Meeting three personnel matters: (1) discuss the County

Administrator's appointment of a Department Director; (2) discuss the County

Administrator Candidate Selection; and (3) discuss the County Attorney's performance

evaluation.

WHEREAS, pursuant to Section 2.2-3711 A.1 Va. Code Ann., such discussions

may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford Board of Supervisors,

on this the 1<sup>st</sup> day of May, 2007 does hereby authorize discussions of the aforestated

matters in Closed Meeting.

Call to Order. At 4:29 P. M., the Chairman called the meeting back to order.

Legislative; Closed Meeting Certification. Mr. Gibbons motioned, seconded by Mr.

Dudenhefer, to adopt proposed Resolution CM07-12a.

The Voting Board tally was:

Yea: (7) Dudenhefer, Fields, Gibbons, Milde, Schwartz, Brito, Cavalier

Nay: (0)

Resolution CM07-12a reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD

COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON

MAY 1, 2007

WHEREAS, the Board has, on this the 1st day of May, 2007, adjourned into a

closed meeting in accordance with a formal vote of the Board and in accordance with the

provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act, as it became effective

July 1, 1989, provides for certification that such Closed Meeting was conducted in

conformity with law;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of

Supervisors does hereby certify, on this the 1<sup>st</sup> day of May, 2007, that to the best of each

member's knowledge: (1) only public business matters lawfully exempted from open

meeting requirements under the Virginia Freedom of Information Act were discussed in

the Closed Meeting to which this certification applies; and (2) only such public business

matters as were identified in the Motion by which the said Closed Meeting was convened

were heard, discussed, or considered by the Board. No member dissents from the

aforesaid certification.

<u>Legislative</u>; Adjust the Annual Compensation Package of the County Attorney. Mr. Brito

motioned, seconded by Mr. Gibbons to adopt proposed Resolution R07-214.

The Voting Board tally was:

Yea: (7) Fields, Gibbons, Milde, Schwartz, Brito, Cavalier, Dudenhefer

Nay: (0)

### Resolution R07-214 reads as follows:

### A RESOLUTION TO ADJUST THE ANNUAL COMPENSATION PACKAGE OF THE COUNTY ATTORNEY

WHEREAS, County Attorney Joseph L. Howard, Jr., has completed his second full year with Stafford County as of April 25, 2007; and

WHEREAS, it is appropriate to review the performance and compensation of the County Attorney on an annual basis in accordance with the understandings when he was hired; and

WHEREAS, the Board has reviewed and discussed the County Attorney's performance during the past year; and

WHEREAS, the Board desires to adjust the annual compensation package for the County Attorney, effective April 25, 2007;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this 1<sup>st</sup> day of May, 2007, that annual salary of the County Attorney shall be increased to \$151,414.00, with monthly automobile allowance of \$350.00, and annual contributions to his deferred compensation 457 account in the amount of \$6,000.00, which all shall be effective as of April 25, 2007.

Recess. At 4:30 P.M. the Chairman declared a recess until 7:00 P.M.

<u>Call to Order.</u> At 7:06 P.M., the Chairman called the meeting back to order.

<u>Invocation.</u> The Reverend Todd Gaston of Mount Ararat Baptist Church gave the Invocation.

<u>Pledge of Allegiance to the Flag of the United States of America.</u> Mr. Dudenhefer lead in the recitation of the Pledge of Allegiance to the Flag of the United States of America.

Legislative; Presentation of Proclamation to Designate the Week of May 19 – 25, 2007, as Safe Boating Week in Stafford. The Chairman presented a proclamation to Cdr. James V. Colston, Mid-Potomac Power Squadron and David R. Adams, Coast Guard to designate the week of May 19-25, 2007 as Safe boating Week in Stafford.

<u>Legislative</u>; <u>Presentation of Proclamation to Meredith Cavalier</u>. Mr. Gibbons presented the proclamation.

<u>Legislative</u>; <u>Presentations by the Public-II.</u> The following persons spoke on topics as identified:

Linda Mueller - Jamestown celebration.

- Chesapeake Bay pollution; erosion and sedimentation

law enforcement.

Mariel Riebe - Save Crow's Nest.

Planning; Amend and Reordain the Zoning Ordinance by Amending the Zoning District
Map to Reclassify from R-1, Suburban Residential, to B-2, Urban Commercial, 1.48
Acres at 2772 Jefferson Davis Highway and Planning; Consider a Conditional Use Permit
at 2772 Jefferson Davis Highway. Mr. Milde motioned, seconded by Mr. Gibbons, to
continue the public hearing on these two issues to the May 15, 2007, Board meeting.

The Voting Board tally was:

Yea: (7) Gibbons, Milde, Schwartz, Brito, Cavalier, Dudenhefer, Fields

Nay: (0)

### Planning; Consider a Conditional Use Permit for Mount Ararat Baptist Church.

Mr. Jeff Harvey, Director of Planning and Community Development, gave a presentation.

The Chairman opened a public hearing.

The following persons spoke:

Clark Leming, on behalf of the Applicant.

Reverend Todd Gaston

Skip Cosner

Clark Leming

The Chairman closed the public hearing,

Mr. Gibbons motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R07-162 with a change.

Discussion ensued.

The Voting Board tally was:

Yea: (7) Milde, Schwartz, Brito, Cavalier, Dudenhefer, Fields, Gibbons

Nay: (0)

### Resolution R07-162 reads as follows:

AN RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT PURSUANT TO APPLICATION CUP2600868 TO ALLOW AN INCREASE IN BUILDING HEIGHT, ON ASSESSOR'S PARCELS 19-62C, 19-63, 19-63A, 19-64A, 19-67B, 19-67E, 19-67L AND 19-67N, ROCK HILL ELECTION DISTRICT

WHEREAS, Trustees of Mount Ararat Baptist Church and Mount Ararat Baptist Church, applicants, have submitted application CUP2600868 requesting a Conditional Use Permit to increase the building height on the above-described property; and

WHEREAS, the application has been submitted pursuant to Section 28-38 of the Zoning Ordinance which permits the increase in the height of building provided a Conditional Use Permit has been issued by the Board; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission, staff and testimony at the public hearing; and

WHEREAS, the Board finds that the request meets the standards of the Zoning Ordinance for issuance of a Conditional Use Permit;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1<sup>st</sup> day of May, 2007, that a Conditional Use Permit pursuant to application CUP2600868 be and it hereby is approved with the following conditions:

- To the extent possible, the existing vegetation within the required transitional buffer along the western property line shall remain in accordance with Section 140, Credits, of the Design and Construction Standards for Landscaping, Buffering and Screening (DCSL).
- 2. Toluca Road shall be dedicated to a width of sixty (60) feet unless determined by the County and Virginia Department of Transportation (VDOT) that portions of Toluca Road do not meet standards for street dedication. The applicant shall dedicate right of way less than sixty (60) feet in width to the extent necessary for safety of the public.
- 3. The maximum height of the roof shall not exceed one hundred ninety nine (199) feet, not including any ornamentation or appurtenances.

- 4. The maximum height of the bell tower shall not exceed one hundred ninety nine (199) feet, measured from the ground, not including any ornamentation or appurtenances.
- 5. The maximum height of any ornamentation or appurtenances on top of any buildings or structures shall not exceed twenty-seven (27) feet.
- 6. In the event the County determines through emergency communications studies that interference is caused due to the height of any building or structure, the County shall have the right to locate equipment on a building or structure to prevent interference. The installation of any equipment that resolves the interference problem shall be coordinated between the applicant and the County in order to mitigate the view of the equipment and shall not be viewed as antenna panels. The applicant shall provide adequate space for the equipment on the building, structure or ground for a period of thirty (30) years at no cost to the County under the terms with the applicant so long as the County does not resell, assign, or transfer the space to provide competing commercial services.
- 7. The site shall be for the use of a place of worship and all other accessory uses associated with a place of worship.
- 8. This Conditional Use Permit shall expire five (5) years from the date of approval if a building permit has not been issued for all or a portion of the proposed development as shown on the Generalized Development Plan prepared by Welford Engineering Associates, dated 12/01/06.
- 9. This Conditional Use Permit may be revoked by the Board of Supervisors for violation of the conditions or applicable Federal or State statutes.

Recess. At 7:55 P. M. the Chairman declared a recess.

<u>Call to Order.</u> At 7:57 P. M. the Chairman called the meeting back to order.

Planning; Consider Reclassification from B-1 to A-2 and a Conditional Use Permit at 138 Brickert Street for Cox Communications. Mr. Jeff Harvey, Director of Planning and Community Development, gave a presentation.

The Chairman opened a public hearing.

The following person spoke:

Mike Bell, Applicant

The Chairman closed the public hearing.

Mr. Fields motioned, seconded by Mr. Milde, to adopt proposed Ordinance O07-28.

The Voting Board tally was:

Yea: (6) Schwartz, Brito, Cavalier, Dudenhefer, Fields, Milde

Nay: (0)

Absent: (1) Gibbons

### Ordinance O07-28 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE ZONING ORDINANCE FOR STAFFORD COUNTY BY AMENDING THE ZONING DISTRICT MAP TO RECLASSIFY, WITH PROFFERS, FROM B-1, CONVENIENCE COMMERCIAL, TO A-2, RURAL RESIDENTIAL, ON PROPERTY IDENTIFIED AS ASSESSOR'S PARCEL 54-117A, GEORGE WASHINGTON ELECTION DISTRICT

WHEREAS, Cox Communication, Media General of Fredericksburg, Inc., applicant, has submitted application RC2600936 requesting reclassification, with proffers, from B-1, Convenience Commercial, to A-2, Rural Residential, of property consisting of approximately 1.54 acres, located on the west side of Brickert Street, approximately 1,000 feet north of Potomac Avenue, George Washington Election District; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission and staff and the testimony at the public hearing; and

WHEREAS, the Board has determined that the requested zoning is compatible with the surrounding land uses and zoning;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 1<sup>st</sup> day of May, 2007, that the Zoning Ordinance for Stafford County be and it hereby is amended and reordained by amending the Zoning District Map to reclassify, with proffers, the parcels of land, as shown on the plat of survey by Bagby, Caldwell and Associates, P.C., dated October 23, 2006, from B-1, Convenience Commercial, to A-2, Rural Residential, with the following proffers:

- 1. The existing vegetation between the fence and western property line shall remain.
- 2. The access onto the site from the existing gravel travel way on the west side of the property, as shown on the plan prepared by Bagby, Caldwell and Associates, P.C., dated October 2006, shall be restricted.
- 3. In the event the County desires to locate its communication equipment on the facility, the applicant shall provide adequate space on the tower and on the ground but not inside the building for a period of thirty (30) years at no cost to the County under the terms of a Cox Communications standard tower license agreement so long as the County does not resell, assign, or transfer the space to provide competing commercial services. The parties shall mutually agree to the location of the antenna and equipment on the facility. In the event the tower needs to be reinforced for County collocation, the County shall be subject to any additional cost imposed onto the applicant.
- 4. The site shall be for the use of a communication facility for the purpose of providing communication services including but not limited to cable television, telephone and internet services, no other uses shall be permitted.

- 5. The site shall not contain no more than one (1) lattice telecommunication tower.
- 6. The proposed 1,000 square foot CMU building shall be of similar material and color as the existing one (1) story frame with stucco building.
- 7. The semi-circle access drive and entrance on Brickert Street shall consist of gravel surface at least six (6) inches thick or asphalt or concrete.
- 8. The applicant agrees to place a metal, rust-resistant sign, at least four (4) square feet in area, on the gate to the compound with the name of the current occupant of the facility and a 24-hour, toll-free or local phone number in case of emergency.

Mr. Fields motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R07-128.

The Voting Board tally was:

Yea: (6) Brito, Cavalier, Dudenhefer, Fields, Milde, Schwartz

Nay: (0)

Absent: (1) Gibbons

### Resolution R07-128 reads as follows:

A RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT,
PURSUANT TO APPLICATION CUP2600937, TO ALLOW A
COMMUNICATIONS FACILITY IN AN A-2, RURAL RESIDENTIAL,
ZONING DISTRICT ON ASSESSOR'S PARCEL 54-117A,
GEORGE WASHINGTON ELECTION DISTRICT

WHEREAS, Cox Communication, Media General Cable of Fredericksburg, Inc., applicant, has submitted application CUP2600937 requesting a Conditional Use Permit to

allow a communications facility in an A-2, Rural Residential, Zoning District on Assessor's Parcel 54-11A; and

WHEREAS, the application has been submitted pursuant to Table 3.1 of the Zoning Ordinance which permits this use in an A-2, Rural Residential, Zoning District after a Conditional Use Permit has been issued by the Board; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission, staff and testimony at the public hearing; and

WHEREAS, the Board finds that the request meets the standards of the Zoning Ordinance for issuance of a Conditional Use Permit;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1<sup>st</sup> day of May, 2007, that a Conditional Use Permit, pursuant to application CUP2600937, be and it hereby is approved with the following conditions:

- 1. This Conditional Use Permit is for a communication facility to be located on a 1.54 acre portion of Assessor's Parcel 54-117A.
- 2. There shall be only one (1) tower permitted on the property. The height of the existing telecommunication tower shall not be increased, except for a lighting rod or similar appurtenances.
- 3. There shall be no lights on the telecommunication tower unless required by the Federal Aviation Administration (FAA).
- 4. There shall be no signs on the telecommunication tower or any other structures on the site other than an identification sign required by the Federal Communications Commission (FCC) or other federal or state agency.

- 5. Once the equipment is determined to be obsolete, written notice shall be sent to the County Administrator specifying discontinuance of use of the facility. Within twelve (12) months of cessation of use of the facility, the equipment and the tower shall be removed by the applicant. Prior to site plan approval, the applicant shall enter into a performance agreement with Stafford County for removal of the facility.
- 6. Prior to site plan approval, the applicant shall submit and obtain approval of an engineer's cost estimate, post a letter of Credit or other security acceptable to Stafford County for one hundred twenty five (125) percent of the cost of removal of the tower and facility.
- 7. The compound shall be screened in accordance with Section 130 of the Design and Construction Standards for Landscaping, Buffering and Screening (DCSL).
- 8. The trash dumpster shall be located inside the fenced compound or screened from view from Brickert Street and adjoining properties with an eight (8) foot tall privacy/opaque fence and gate.
- 9. The temporary bathroom facility shall be located inside the fenced compound.
- 10. Storage of supplies and equipment shall be not be visible from all adjoining properties.
- 11. The site shall not be used for fleet parking.
- 12. If building permits are not obtained within five (5) years from the date of approval, this conditional use permit shall expire.
- 13. This conditional use permit may be revoked or conditions amended by the Board for violation of these conditions or any applicable county, federal, or state codes.

Planning; Amend and Reordain the Zoning Ordinance by Amending the Zoning District Map to Reclassify from R-1, Suburban Residential, B-1, Convenience Commercial, B-2, Urban Commercial, and M-1, Light Industrial, to B-1, Convenience Commercial 0.91 Acres at 11 Debruen Lane. Mr. Jeff Harvey, Director of Planning and Community Development, gave a presentation.

The Chairman opened a public hearing.

The following person spoke:

Joe Alexander

The Chairman closed the public hearing.

Mr. Fields motioned, seconded by Mr. Gibbons, to adopt proposed Ordinance O07-29.

The Voting Board tally was:

Yea: (7) Cavalier, Dudenhefer, Fields, Gibbons, Milde, Schwartz, Brito

Nay: (0)

### Ordinance O07-29 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE ZONING ORDINANCE FOR STAFFORD COUNTY BY AMENDING THE ZONING DISTRICT MAP TO RECLASSIFY FROM R-1, SUBURBAN RESIDENTIAL, B-1, CONVENIENCE COMMERCIAL, B-2, URBAN COMMERCIAL, AND M-1, LIGHT INDUSTRIAL, TO B-1, CONVENIENCE COMMERCIAL ON PROPERTY IDENTIFIED AS ASSESSOR'S PARCEL 54E-1-11A, GEORGE WASHINGTON ELECTION DISTRICT

WHEREAS, Alexcom & Associates, Inc., applicant, has submitted application RC2600209 requesting reclassification from R-1, Suburban Residential, B-1,

Convenience Commercial, B-2, Urban Commercial, and M-1, Light Industrial, to B-1, Convenience Commercial of property consisting of approximately 0.91 acres, located on the northeast corner of Cool Spring Road and Debruen Lane, George Washington Election District; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission and staff and the testimony at the public hearing; and

WHEREAS, the Board has determined that the requested zoning is compatible with the surrounding land uses and zoning;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 1<sup>st</sup> day of May, 2007, that the Zoning Ordinance for Stafford County be and it hereby is amended and reordained by amending the Zoning District Map to reclassify the parcel of land, as shown on the plat of survey by Alexcom & Associates, Inc., dated December 29, 2005, from R-1, Suburban Residential, B-1, Convenience Commercial, B-2, Urban Commercial, and M-1, Light Industrial, to B-1, Convenience Commercial, with the following proffers:

- 1. The property shall be developed in substantial conformance with the Generalized Development Plan (GDP) for Alexcom & Associates, prepared by Alexcom & Associates, Inc., dated December 23, 2005.
- 2. The building designs shall be in substantial conformance with the architectural drawings entitled "New Alexcom Office" and "Alexcom Soils Lab", prepared by Alexcom & Associates, Inc., dated December 12, 2006. The building materials shall consist of concrete, wood and vinyl siding, and the color will match the color of the existing building as close as possible.
- 3. All new buildings shall be fitted with indoor sprinklers for fire protection.

- 4. Access to the site shall be limited to a single entrance as shown on the GDP.
- 5. The existing trailers on site shall be removed from the property within sixty (60) days of the issuance of an occupancy permit.

<u>Planning</u>; Amend Section 28-35, Table of Uses and Standards; Table 3.1, District Uses and Standards; and Section 28-57, Flood Hazard Overlay District (FH), of the Zoning <u>District.</u> Mr. Jeff Harvey, Director of Planning and Community Development, gave a presentation.

The Chairman opened a public hearing.

No one desired to speak.

The Chairman closed the public hearing.

Mr. Gibbons motioned, seconded by Mr. Dudenhefer, to adopt proposed Ordinance O07-31.

Discussion ensued.

The Voting Board tally was:

Yea: (4) Dudenhefer, Gibbons, Milde, Cavalier

Nay: (3) Fields, Schwartz, Brito

### Ordinance O07-31 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE COUNTY CODE BY AMENDING TABLE 3.1, DISTRICT USES AND STANDARDS, OF SECTION 28-35 AND, SECTION 28-57, FLOOD HAZARD OVERLAY DISTRICT (FH), OF THE ZONING ORDINANCE WHEREAS, public facilities/utilities, streets, bridges, railroads, stormwater management structures, marinas, docks, wharves, piers, and water dependent uses may be permitted, by special exception, in the floodway district, provided that they are in compliance with the provisions of the underlying district and are not prohibited by this chapter or any other ordinance; and

WHEREAS, the agent may, at his discretion, issue, in writing, an administrative exception for specified uses and activities in the floodway district; and

WHEREAS, uses requiring a special exception or an administrative exception require the same technical review and approval from Federal Emergency Management Agency (FEMA); and

WHEREAS, the Board desires to require the issuance of a Conditional Use Permit for public facilities/utilities, streets, bridges, railroads, stormwater management structures, marinas, docks, wharves, piers, and water dependent uses in the floodway districts; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission and staff and the testimony at the public hearing; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, or good zoning practice requires adoption of such an ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 1<sup>st</sup> day of May, 2007, that the Stafford County Code be and it hereby is amended and reordained by amending Table 3.1, District Uses and Standards, of Section 28-35, and Section 28-57, Flood Hazard Overlay District (FH), of the Zoning Ordinance as follows, with all other portions remaining unchanged:

#### Sec. 28-35. Table of uses and standards

# Table 3.1. District Uses and Standards

(b) Conditional use permit:

FH Flood Hazard

(1) All conditional use permitted in the underlying district.

### (c) Special exception:

- (1)-(2) Public facilities/utilities
- (1) (3) Streets
- (2) (4) Bridges
- (3) (5) Railroads
- (4) (6) Stormwater management structures
- (5) (7) Marinas
- (6) (8) Docks
- (7) (9) Wharves
- (8) (10) Piers
- (9) (11) Water dependent uses

### (12) Public works

### Sec. 28-57 Flood Hazard Overlay District (FH)

- (h) Permitted uses in the floodway district.
- (3) The <u>board of supervisors may permit the following uses and activities may be</u> permitted, by special exception, in the floodway district, <u>by review and approval of a conditional use permit, pursuant to the provisions of Section 28-185, provided that they are in compliance with the provisions of the underlying district and are not prohibited by this chapter or any other ordinance:</u>
  - a. <u>Public works</u>, <u>Utilities</u> and public facilities and improvements, such as railroads, streets, bridges, transmission lines, water and sewage treatment plants, stormwater management structures, and other or similar related uses.

Adjournment. At 8:20 P. M., the Chairman declared the meeting adjourned.

Steve Crosby	Jack R. Cavalier
County Administrator	Chairman